

The Senate State Institutions and Property Committee offered the following substitute to SB 386:

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to conditions of detention generally, so as to provide that certain incarcerated persons shall be tested for HIV prior to discharge; to provide for notice; to provide for counseling; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 5 of Title 42 of the Official Code of Georgia Annotated, relating to conditions of detention generally, is amended by adding a new Code section to read as follows:

"42-5-52.2.

(a) Any person who has been in the custody of a penal institution for one year or longer and who has not previously tested positive for HIV shall submit to an HIV test between 60 and 120 days prior to the expected date of discharge from the facility.

(b) Each person tested as provided in subsection (a) of this Code section shall be notified of the results of such testing in writing prior to his or her discharge. Any person testing positive for HIV, and any person who has previously tested positive for such condition, shall be given counseling relating to living with such condition after release from incarceration. The Department of Corrections is directed to provide the requirements of such counseling.

(c) The provisions of this Code section shall not be construed to limit the provision for HIV testing in Code Section 42-9-42.1."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.